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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,404	09/28/1998	SHUICHI NAKAMURA	862.2473	7602

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NEW YORK, NY 10112

EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/28/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/161,404

Applicant(s)

NAKAMURA, SHUICHI

Examiner

Kevin Parton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48,51 and 54-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48,51 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 09/11/2003 have been fully considered but they are not persuasive. Please see the following reasons and the associated grounds of rejection below.
2. Applicant argues "the art is not seen to disclose or to suggest at least the feature of displaying, on a display of an output terminal, a geographic map that includes an icon representing a position of a portable information generating terminal..." (page 7, paragraph 3). The argument is not persuasive because the features are shown in the Girerd et al. (USPN 6,131,067) reference as shown in the previous action and in the new grounds of rejection below. Girerd et al. (USPN 6,131,067) clearly teach a system for displaying on an output display a geographic map that includes an icon representing the position of a portable terminal as shown in column 5, lines 65-67).
3. The applicant further argues that Girerd et al. (USPN 6,131,067) does not teach that the icon is "linked to a URL to identify the portable information generating terminal" (page 7, paragraph 3). The argument is not persuasive because the Girerd et al. (USPN 6,131,067) reference is not relied upon for this limitation in the previous action. In the new grounds of rejection below, Girerd et al. (USPN 6,131,067) is used in combination to render the current limitations obvious.
4. The applicant further argues that the Girerd et al. (USPN 6,131,067) reference does not teach the use of an icon to display the location of the terminal (page 8, paragraph 2). The argument is not persuasive because the reference teaches superimposing the location of a terminal on a map. This can be referred to as an icon.

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5. Applicant's further arguments with respect to claims 48, 51, and 56 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 48, 51, and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girerd et al. (USPN 6,131,067) in view of Sklar et al. (USPN 5,790,121).

8. Regarding claim 48, Girerd et al. (USPN 6,131,067) teach a system for outputting information of a portable information generating terminal to an output terminal via a network, comprising:

- a. A generating device adapted to generate display information on the basis of position status information of the information generating terminal, the display information being used to identify the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).
- b. A communication device adapted to receive the position status information of the information generating terminal, and to transmit the display information, generated by the generating device to the output terminal (column 5, lines 30-37).
- c. Wherein a geographic map on which an icon, representing a position of the information generating terminal, to identify the information generating

terminal, is displayed at the output terminal on the basis of the display information (column 5, line 64 – column 6, line 16). Note that the display of the location of the sensor superimposed on a map can be called an icon.

- d. Wherein the output terminal accesses the information generating terminal (column 6, lines 9-19).

Although the system disclosed by Girerd et al. (USPN 6,131,067) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the icon superimposed on the map is a URL that can be selected for information about that item.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Girerd et al. (USPN 6,131,067), as evidenced by Sklar et al. (USPN 5,790,121).

In an analogous art, Sklar et al. (USPN 5,790,121) discloses a system for the retrieval of information represented by icons on a map wherein the icon superimposed on the map is a URL that can be selected for information about that item (figure 7; figure 8; figure 9; column 2, lines 59-63; column 3, line 65-column 7, line 5).

Given the teaching of Sklar et al. (USPN 5,790,121), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Girerd et al. (USPN 6,131,067) by employing the use of URLs to access information about the information generating terminals represented on the map. This benefits the system by allowing a user to access more detailed information about the terminal quickly without having to open a separate application. This is a commonly used method in the art to access information.

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9. Regarding claim 51, Girerd et al. (USPN 6,131,067) teach a system for outputting information of a portable information generating terminal to an output terminal via a network with means for:

- a. Sensing position status information on a position of the portable information generating terminal (column 2, lines 19 – 21; column 3, lines 38-40; column 5, lines 30-31).
- b. Generating display information of the information generating terminal on the basis of the position status information, the display information being used to identify the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).
- c. Transmitting the generated display information to the output terminal (column 5, lines 34-36).
- d. Displaying, at the output terminal on the basis of the display information, a geographic map on which is displayed an icon representing a position of the information generating terminal to identify the information generating terminal (column 5, lines 26-37; column 5, line 64 – column 6, line 19).
- e. Accessing the information generating terminal from the output terminal (column 6, lines 9-19).

Although the system disclosed by Girerd et al. (USPN 6,131,067) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the icon superimposed on the map is a URL that can be selected for information about that item.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Girerd et al. (USPN 6,131,067), as evidenced by Sklar et al. (USPN 5,790,121).

In an analogous art, Sklar et al. (USPN 5,790,121) discloses a system for the retrieval of information represented by icons on a map wherein the icon superimposed on the map is a URL that can be selected for information about that item (figure 7; figure 8; figure 9; column 2, lines 59-63; column 3, line 65-column 7, line 5).

Given the teaching of Sklar et al. (USPN 5,790,121), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Girerd et al. (USPN 6,131,067) by employing the use of URLs to access information about the information generating terminals represented on the map. This benefits the system by allowing a user to access more detailed information about the terminal quickly without having to open a separate application. This is a commonly used method in the art to access information.

10. Regarding claim 54, Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claim 48. They further teach means wherein the display information is transmitted to the output terminal with GET method of HTTP by the communication device (column 5, lines 42-43; column 6, lines 9-19).

11. Regarding claim 55, Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claim 51. They further teach means wherein the generated display information is transmitted to the output terminal with GET method of HTTP (column 5, lines 42-43; column 6, lines 9-19).

12. Regarding claim 56, Girerd et al. (USPN 6,131,067) teach an output terminal receiving information from a communications apparatus via a network comprising:

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- a. A communication device adapted to receive, from the communication apparatus, display information which is generated on the basis of position status information of a portable information generating terminal to identify the portable information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).
- b. A display control device adapted to control a display on the output terminal of a geographic map on which is displayed an icon, representing a position of the portable information generating terminal to identify the portable information generating terminal (column 5, lines 26-37; column 5, line 64 – column 6, line 19).
- c. Wherein the output terminal accesses the information generating terminal (column 6, lines 9-19).

Although the system disclosed by Girerd et al. (USPN 6,131,067) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the icon superimposed on the map is a URL that can be selected for information about that item.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Girerd et al. (USPN 6,131,067), as evidenced by Sklar et al. (USPN 5,790,121).

In an analogous art, Sklar et al. (USPN 5,790,121) discloses a system for the retrieval of information represented by icons on a map wherein the icon superimposed on the map is a URL that can be selected for information about that item (figure 7; figure 8; figure 9; column 2, lines 59-63; column 3, line 65-column 7, line 5).



Given the teaching of Sklar et al. (USPN 5,790,121), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Girerd et al. (USPN 6,131,067) by employing the use of URLs to access information about the information generating terminals represented on the map. This benefits the system by allowing a user to access more detailed information about the terminal quickly without having to open a separate application. This is a commonly used method in the art to access information.

13. Regarding claim 57, Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claim 56. They further teach means wherein the display information is transmitted to the output terminal with GET method of HTTP (column 5, lines 42-43; column 6, lines 9-19).

#### *Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton  
Examiner  
Art Unit 2153

ksp



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